



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,646	12/19/2001	Zvi Kamil	AER-P-2	8261

44702 7590 06/07/2005

OSTRAGER CHONG FLAHERTY & BROITMAN PC
250 PARK AVENUE, SUITE 825
NEW YORK, NY 10177

EXAMINER

AGDEPPA, HECTOR A

ART UNIT	PAPER NUMBER
----------	--------------

2642

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/025,646	Applicant(s) KAMIL, ZVI	
	Examiner Hector A. Agdeppa	Art Unit 2642	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 May 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.

Examiner: Hector Agdeppa
 571-272-7480

Art Unit: 2642


The request for reconsideration does NOT place the application in condition for allowance because: Examiner directs applicant to P. 3 of the last office action, wherein it is stated that "Also, signal conditioning means 300 and nonpolar switching means 500 taken together can be read as a transceiver since the elements receive and transmit signals to and from the microcontroller as well as the telephone line." Applicant admits as much in their description of their understanding of the operation of Pintar. Therefore, even if arguendo applicant is correct in their description of the operation of Pintar, at least switching means 500 with its associated FETS transmit and receive signals from microprocessor 100. (Col. 5, lines 1 - 21 of Pintar)

Moreover, applicant's assertion on page. 2 and 3 of the response that any number a telephone user dials results in the DTMF signals being received directly at a central exchange without passing through the decoder is erroneous. See Col. 4, line 44 – Col. 5, line 5 of Pintar wherein it is clearly stated that any DTMF tone entered at the telephone unit enters the apparatus 10 and is routed to signal conditioning means 300 and the DTMF decoder 301 converts the DTMF tone into a binary equivalent so it can be compared to restriction data. If the call is allowed, THEN the information is sent to the central office or exchange. It is as plain as day that unless a DTMF signal is first converted to be monitored as to whether or not it is an allowed number or not, it must first be converted into a format understandable by the controller (binary/digital).

Finally, applicant is incorrect in the Pintar operates in manner in that a telephone call cannot be disconnected unless it has been connected. Pintar clearly states in Col. 5, lines 12 – 18 that "If the number is disallowed or prohibited, the ROM instructs the

Art Unit: 2642

microprocessor to generate a disconnect signal via connection pin 105. Connected to pin 105 are control field effect transistors 503, 504, and 505, which in turn **disconnect the call restricting apparatus 10** from telephone lines 11 and 12..." There is no mention ever, before this point or after, that the call has already been completed to the central office or exchange. It would be ridiculous and wasteful to connect a call to the central office or exchange, only to disconnect it when the ability to detect whether or not a call is disallowed already exists before the central office or exchange.


AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700